IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 7487 OF 2007

Smt. Alka Ramesh Sanap .... Petitioner

versus

Smt. Alka Suresh Gopale & ors..... Respondent.

Shri Y.R.Naik for the petitioner
Shri M.S.Karnik for Respondent no.1.
Shri Manoj Chatge h/f A.B.Narode for Respondent no.2.
Shri Rameshwar Gite for Respondents 4 to 21.
Shri S.K.Chinchalikar AGP for Respondent 22.

CORAM; A.P. DESHPANDE, J.
DATED; 15TH OCTOBER, 2007

P.C.;

1. The respondent is a notified society and the election process for electing Managing Committee of the said society is in progress. The election process has commenced long back and tomorrow is the last date for withdrawal of the nomination forms. Thereafter 17th is the date fixed for publishing the names of the contesting candidates, and the voting is to take place on 28-10-2007.

2. The petitioner objected to the nomination form submitted by the respondent no.1 on the ground that the respondent no.1 is not an individual member of the society or an elected member of committee of a

particular society or a member of a committee of a member society and hence is not eligible for contesting the election under section 73-B(3) of the Maharashtra Co-operative Societies Act. The returning officer has rejected the objection raised by the petitioner and accepted the nomination form submitted by the respondent no.1, mainly relying upon Rule 56-M of the Maharashtra Co-operative Societies Rules 1961.

3. I have perused the judgment of the Division Bench reported in **2006(4) All M R page 580.** The learned counsel placing reliance on the said judgment, submits that unless and until the candidate satisfies the criteria laid down in 73-B(3), he is not eligible to contest the election. Having regard to the progress made in the process of election, I find it difficult to dispose of this writ petition after hearing all parties, without obstructing or halting the process of election. Hence I decline to interfere with the impugned order. The Supreme Court has categorically held in the judgment of **Sant Satguru** that the election process once commenced, should not be obstructed or halted. Hence no indulgence is called for at this stage and Writ Petition is thus summarily rejected, leaving all questions raised in this petition open to be agitated in an election petition after the result of the election is declared.

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